

there more to create an issue than they are to create a solution. And they say they don't have a voice.

Further, they have continued to block action on important issues for Americans, including education reform, meaningful tax relief, protecting Social Security, Medicare. We have pushed for effective reforms. That side of the aisle has continued to throw up roadblocks. We are continuing to look to the future and getting these items accomplished. Unfortunately, our friends continue with the roadblocks.

Total rollcall votes during the 106th Congress, through September 11, 611; rollcall votes on amendments, 403. Those asked for on Democrat-sponsored amendments, 231; Republican-sponsored amendments, 172.

Votes on the Democrat agenda: Votes to raise taxes or to reduce tax relief, 55; votes to increase Federal education spending, 35; Federal funds to hire new teachers as opposed to having local decisions, 9; Federal funds for school construction as opposed to letting people decide for themselves, 5; Federal funds for afterschool, 6; votes to further regulate gun owners, 13. Now, that is an issue that people disagree on, but how many times can we continue to bring it up? How many times can we have votes on it? How many times can it be used to slow down the progress toward getting our job done? Minimum wage package, 5; the minimum wage package is in a bill they have held up.

This idea of our friends on the other side getting up and talking about things not happening here is ludicrous, absolutely ludicrous, in terms of the kinds of issues that have been put up over there as roadblocks. It is time for us to get on with it. Let's take a look at what we have before us. Let's have our debate; Let's have our exchange; and let's vote and move forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS BILLS

Mr. BYRD. Mr. President, as the end of the 106th Congress is fast approaching, I am deeply dismayed about the prospects of completing action on the thirteen annual appropriations bills for Fiscal Year 2001, which begins October

1st. Unfortunately, as has happened far too often in recent years, much of the work on appropriations bills remains to be done. There is really no valid excuse for the Senate's failure to do its appropriations work. The House has done its work in a timely fashion.

Yet, to date, only two of the Fiscal Year 2001 appropriations bills have been signed into law—Military Construction and Defense. Of the remaining eleven bills, four have yet to even be brought up for debate in the full Senate. Those bills are Treasury, Commerce-Justice-State, VA-HUD, and The District of Columbia. As Members are aware, the conference report on H.R. 4516, the Fiscal Year 2001 Legislative Branch Appropriations is divided—broken into two divisions. Division A contains the conference agreement for the Legislative Branch bill. Division B, which was inserted into the Legislative Branch Bill without any input by Democratic Members of either the House or Senate, contains the entire Treasury-General Government Appropriations Act for Fiscal Year 2001. This was done despite the fact that the Senate has never taken up the Treasury-General Government Appropriations bill at all. In addition, again without any input from the Democratic Members of the House or Senate, a tax measure to repeal the telephone excise tax was inserted in this same conference report. The measure was soundly defeated in this body yesterday, as I believe it should have been.

Here we are with only nine calendar days left before the beginning of Fiscal Year 2001, and we have enacted only two of the thirteen annual appropriations bills and had them signed into law; two more were contained in the conference report on H.R. 4516, namely the Legislative Branch and Treasury-General Government bills. That leaves nine fiscal year 2001 appropriations bills remaining. Since, on yesterday, we did defeat the conference report, actually the Legislative Branch and Treasury-General Government bills have not been acted on, we have eleven bills remaining.

To conform with the Constitutionally envisioned process, all four of these bills should be passed in the Senate before being taken up in conferences with the other body. To short-cut that process means that the full Senate never has an opportunity to amend these bills or debate provisions in them. Especially when it comes to bills which spend the taxpayers' money, we ought to take the time to allow debate and amendment by the full membership of this body. I hear all of this talk about tax cuts and giving the people back their hard-earned money. How does that square with the rather cavalier attitude we sometimes exhibit here when it comes to appropriations bills? Do we forget, that when it comes to appropriations bills, we are spending the people's money? Don't Members of the Senate feel an obligation to let the full Senate scrutinize,

debate, and, if necessary, amend, bills that allocate those hard-earned tax dollars? No public debate by the Senate on the billions of dollars contained in these bills for programs and projects means that the public is denied critical information about the use of the public's money. In a body formulated to foster debate and to protect the rights of the minority view, it is especially irresponsible to abdicate those functions when it comes to spending the people's tax dollars.

There is plenty of blame to go around as to why the Commerce-Justice-State, VA-HUD, and DC bills have not been brought up, as well as the Treasury bill. I do not seek to point the finger at anybody.

The chairman of the Appropriations Committee and the members of the Appropriations Committee have done their very best to work on these bills, to report them. The Commerce-Justice-State bill has been before the Senate long enough that we could have passed it, we could have stayed in on Fridays and, if need be, on some Saturdays. We have done that before, and we could have gotten that bill passed and, at the same time, let Senators have the chance to offer amendments to it. That is what the process is all about.

The leadership too often files cloture on appropriations bills and other matters, in order to limit the number of controversial and politically loaded amendments that can be offered by Senators on the minority side of the aisle. Democratic Members too often bring up "message" amendments over and over again on appropriations bills because they find little opportunity to have those matters debated by the Senate on other bills.

I have to say that the authorization committees, some of them at least, do not do their work and, as a consequence, the action and the responsibility then falls upon the Appropriations Committee. Members do not have an opportunity to offer amendments to authorization bills that ought to have been reported and brought to the floor. When those authorization committees do not act, naturally appropriations bills are the only vehicles to which Members can offer amendments that they would otherwise offer to the authorization bill.

Every action has a reaction. Polarization breeds polarization. Nevertheless, we must find a way to accommodate the needs of all Senators, as well as fulfill the responsibility of the leadership to move must-pass legislation.

This is not the first year that the regular appropriations process has broken down, but I urge us all to work on a bipartisan basis to ensure that it will be the last. Let us call a truce to the perennial warfare that we fight over these appropriations bills. Let us stop the drift that leads us to short cut the deliberative function of this Senate and all too often produces mammoth omnibus bills with everything but grandpa's false teeth thrown in. This

one grandpa who does not have false teeth. Mine would not go in.

Huge omnibus appropriations bills make a mockery of the legislative process, and sending appropriations bills direct to conference without Senate action on them also makes a mockery of the legislative process. For FY 1997, 1999, and 2000, Congress resorted to the adoption of omnibus appropriations acts which contained a number of appropriations bills, some of which had never been brought up in the Senate. Those omnibus acts also contained massive amounts of legislative matter, as well as tax cuts—legislative matter that never saw the light of day on the Senate floor.

For fiscal year 1999, the omnibus appropriations package enacted at the end of the session contained eight appropriations bills, as well as a tax bill totaling some \$9.2 billion, and more than 60 major legislative proposals. Appropriations subcommittee chairmen and ranking members were not involved in a number of major decisions in their areas of jurisdiction, nor were the full committee chairmen and ranking members included in the decisions regarding the tax bill or the major legislative proposals. In all, that FY 1999 omnibus package totaled some 3,980 pages. It was wrapped together and run off on copy machines and presented to the two Houses as an unamendable conference report. That measure provided funding of nearly \$500 billion and more than half of 3,980 pages contained legislative provisions. No one could possibly have known everything that was included in that omnibus monstrosity, just as no Member could have known what was in the omnibus bill for FY 1997, or for that of FY 2000. But we are headed in that direction again.

When we wait until the end of a session to take action on the overwhelming majority of appropriations bills, when we allow ourselves to be pressured by time, when we are forced to hurry because we are about to adjourn, it is an open invitation to the executive branch to sit down at the legislative table.

The Constitution vests the power of the purse in the legislative branch. That is the House and Senate. That is where the Constitution vests the power of the purse. Yet the way we are acting, the way we delay and the results that come from such delay in the end constitute an open invitation for the executive branch to come to the tables.

In that environment, most Senators are not in the room when the decisions are made. The President's men and the President's priorities carry great weight. It is late. The President's signature is needed, so the White House has the trump hand. Having squandered the whole year on meaningless posturing and bickering back and forth—

I say back and forth. That means both sides. I do not stand here and accuse either side of having a monopoly on the bickering. We are all involved.

But we are much more likely to yield to the administration's every demand than to complete our work.

I am hopeful we can avoid such a process for fiscal year 2001. I am encouraged by the fact that a number of conferences are either under way or soon will begin. I was in one yesterday afternoon, last evening, and this morning.

I urge the leadership to find a way to bring up the appropriations bills which have not seen Senate action for debate and amendment in the Senate. I think it would be useful for both leaders, if I might presume to make a suggestion, to appoint a group of Senators to discuss these remaining appropriations bills, and what amendments our colleagues deem most important to be offered. Let us reach out across our respective aisles and find a way to do our business without resorting to an always contentious, usually counterproductive, lame-duck session. That would be the responsible way to do business. That is the fair way to do business. That would be the right way to conduct the people's affairs.

The American public is disenchanted with politics as usual and with the constant warfare that seems to continually be waged in Washington. We must recommit ourselves to working together in the spirit of cooperation to ensure that we find a way to fulfill our duties and our oaths of office as U.S. Senators.

Nobody looks good in this annual mad dash to complete work on spending bills that should have been done months before. There are no winners here.

The Republicans don't win; the Democrats don't win. The people lose. The result is an institutional erosion that we see going on. The Senate is losing its powers, it is losing its prerogatives, they are being taken from us, when we do not let bills come up and be debated and be amended by Senators. There are no winners.

There are no gold, silver, or even bronze medalists. When we engage in this sloppy, annual relay race to get the job done at all costs, the baton always gets dropped, and the losers, once again, are the people we represent and the trust they have in us.

The Senate—the institution, the one place in which the people's interests can be debated at length, and where bills can be amended, and where a check can be made on the House of Representatives, as the framers intended, and where a check can be exercised against an overreaching executive branch, when that is short circuited—the Senate loses its powers, its prerogatives go by the wayside, and the interests, the freedoms, and the liberties of the American people suffer.

It is time that we talk about these things. I am the ranking member on the Appropriations Committee. I am very, very, very concerned. I was up at 3 o'clock this morning working on a speech, not this one, but one that I

still intend to make about this very subject.

Mr. President, I thank the distinguished Senator from New Hampshire for his consideration and courtesy in allowing me to go forward. I hope I have not kept him waiting unduly.

Mr. REID. Would my friend from New Hampshire allow me to enter into a brief dialog with the Senator from West Virginia? It will be very brief.

I say, through the Chair to my friend from West Virginia, that I do not believe the minority got us in this situation we are in. But I do say that we will do everything within our power to try to get ourselves out of the hole that we are in.

It is certainly not the intention of the minority to hold up Congress, to hold up these appropriations bills. As a longtime member of the Appropriations Committee, and someone who has the greatest respect and admiration for the ranking member on the Appropriations Committee, I think it is important we work with the majority in trying to figure out a way out of this. Certainly we are willing to do that.

Mr. BYRD. I thank the Democratic whip. I know he is willing to do just what he says. He wants to cooperate.

We have to save this institution. There are Senators in this body who have never seen the institution work as it was meant to work. I will have more to say about that later. But there are Members in this institution who think that this is the way the Senate has always worked. It is not. And I am not pointing fingers at anybody. I like both leaders. But we have to do something. We just must avoid coming back after the election. That is a disservice to the Members of the other body. They have done their work on these appropriations bills and sent them over here. Now we ought to do ours. And it is a disservice to the American people.

Mr. REID. I say to my friend, I spent all morning with you in a conference on the Interior appropriations bill.

Mr. BYRD. Yes.

Mr. REID. It was a difficult bill. But that is the way things are supposed to be done around here.

Mr. BYRD. That is the process.

Mr. REID. The process. And now, sometime today, there is going to be a bill reported out of that conference committee that will be brought to the respective bodies that will be approved.

Mr. BYRD. Absolutely.

Mr. REID. It is a nice piece of work. If the White House does not like it, they can do whatever they want with it, but the legislative bodies have spoken. It will pass overwhelming, that bill.

Mr. BYRD. Yes. We have a duty. We have a responsibility.

Now, I have been leader. I have been the majority leader, and I have been the minority leader, and I have been the majority leader again. I know what the problems and the pressures and the travails and the tribulations are of a majority leader. And I know what the

tribulations and trials of a minority leader are. So I am well acquainted with their problems. I have had them all. I have been there. My footprints are still there. It isn't the quality of our life—that the people send us here for. It is the quality of our work on behalf of the people who send us here.

I had bed check votes at 10 o'clock on Monday mornings. There are people who sit at the desk in front of me and there are some few Senators still in this body who will remember that: Bed check votes at 10 o'clock on Monday mornings. But I alerted my colleagues: That is what we are going to have. And we are going to have votes on Fridays. We are not quitting at 12. Now, in return for that, we are going to work 3 weeks, and then we are going to be out 1 week. So you can go home and see your constituents and get an understanding of what their needs are. But 3 weeks we are going to be here. You are off 1 week. We are going to be here 3 weeks.

And they loved it. Senators loved it. They knew I meant business. And I took the attitude: If you don't like me as leader—you voted me in—then you can vote me out. But as long as I am leader, I am going to lead. I may not have many who will follow me, but I will do what I think is right for this institution.

Well, my speech did not go over well with a few, but take a look at the record of that 100th Congress. That was a great Congress. That is the way we worked it.

I understand—as I say, I like both of our leaders. I personally have great admiration for Mr. LOTT and for Mr. DASCHLE. They have their problems. And we have to help them. But let's draw back here and think of the institution. The most important thing in the world is not for me to be reelected. That is not the most important. The most important thing is for me to do my duty to this Senate—to the Senate, to the Constitution, and to the people who send me here. And if it means I have to work early and late, so be it.

I thank the distinguished Senator, and thank the Senator from New Hampshire again.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS-CONSENT AGREEMENT—S. 2796

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 729, S. 2796, the Water Resources Development Act of 2000, under the following limitations: There be 3 hours for general debate on the bill equally divided between the two managers; the only amendments in order be a managers' amendment; one amendment to be offered by Senators WARNER and VOINOVICH relating to cost-share and operations and maintenance, limited to 2 hours equally divided in the

usual form; one amendment offered by Senator FEINGOLD relating to independent peer review, limited to 1 hour equally divided in the usual form, and subject to one relevant second-degree amendment offered by Senators SMITH and BAUCUS and limited to 30 minutes; one amendment offered by Senator TORRICELLI regarding marketing of dredge spoils, limited to 20 minutes equally divided, and subject to a relevant second-degree amendment offered by Senator SMITH, or his designee, under the same time limitations; and one additional relevant amendment per manager limited to 10 minutes equally divided.

I further ask consent that during the consideration of the bill, Senators THOMAS and KENNEDY be in control of up to 1 hour each for statements.

Finally, I ask consent that following the disposition of the above amendments, and the use or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I apologize to my friend who is the chairman of the committee, but I am going to have to object.

I just spoke to one of the Members, and she is going to be over to talk to the Senator from New Hampshire forthwith.

In light of my conversation with her, I am going to have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH of New Hampshire. If I could engage my colleague for a moment. Without mentioning the name—

Mr. REID. I have no problem with that. It was Senator LINCOLN from Arkansas.

Mr. SMITH of New Hampshire. All right. I think the issue with Senator LINCOLN, to the best of my knowledge, has been resolved satisfactorily. If that is not the case, then we can delay action.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, at this time I renew my unanimous consent request regarding Calendar No. 729, S. 2796, the Water Resources Development Act of 2000.

Mr. REID. Mr. President, reserving the right to object, we have spent approximately an hour on this matter. We have had a number of conversations. I appreciate the work of the

chairman and the subcommittee chair, Senator VOINOVICH. I have been assured by the Senator from Arkansas that if there is a problem in the underlying appropriations process, they will work with the people in the House to alleviate that problem to the best of their ability. There is no guarantee, but they will do everything within their power to resolve the issues about which we have spoken during this hour that we have been in a quorum call.

I say to my friend from New Hampshire and my friend from Ohio that I appreciate their consideration.

My understanding of what they will attempt to accomplish, if necessary, is accurate. Is that not true?

Mr. SMITH of New Hampshire. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I thank my colleague from Nevada. We will do our best to work through the process as outlined by the Senator from Arkansas and the Senator from Nevada.

WATER RESOURCES DEVELOPMENT ACT OF 2000

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2796) to provide for the conservation and development of water and resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The Senate proceeded to the bill which had been reported from the Committee on Environment and Public Works, with an amendment; as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Water Resources Development Act of 2000".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

Sec. 1. *Short title; table of contents.*

Sec. 2. *Definition of Secretary.*

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. *Project authorizations.*

Sec. 102. *Small shore protection projects.*

Sec. 103. *Small navigation projects.*

Sec. 104. *Removal of snags and clearing and straightening of channels in navigable waters.*

Sec. 105. *Small bank stabilization projects.*

Sec. 106. *Small flood control projects.*

Sec. 107. *Small projects for improvement of the quality of the environment.*

Sec. 108. *Beneficial uses of dredged material.*

Sec. 109. *Small aquatic ecosystem restoration projects.*

Sec. 110. *Flood mitigation and riverine restoration.*

Sec. 111. *Disposal of dredged material on beaches.*

TITLE II—GENERAL PROVISIONS

Sec. 201. *Cooperation agreements with counties.*

Sec. 202. *Watershed and river basin assessments.*

Sec. 203. *Tribal partnership program.*

Sec. 204. *Ability to pay.*

Sec. 205. *Property protection program.*